

## WHAT YOU NEED TO KNOW ABOUT AFFORDABLE ATTORNEY ADVICE

### What Is Affordable Attorney Advice?

Affordable Attorney Advice provides legal information and advice about Chapter 7 bankruptcy to people who are using the services offered by California bankruptcy petition preparers (BPPs). See below for more on the services provided by BPPs and Affordable Attorney Advice.

### What Services Does Affordable Attorney Advice Offer?

Affordable Attorney Advice offers an initial interview with attorney Mary Heare Amodio in order to identify any problems you might encounter and to provide you with the information you'll need to handle your own bankruptcy. Upon completion of the interview, you will be sent a written report containing the information you provide, and the advice you receive. The attorney will also advise you if the circumstances of your case are sufficiently complex to require you to obtain full legal representation. After the initial interview, you may ask the attorney any questions that arise during the course of your bankruptcy by either by email (preferably) or by telephone.

### What Services Aren't Provided Under Your Affordable Attorney Advice Contract?

Some cases involve extra procedures such as obtaining an order by the bankruptcy judge or appearing before a judge at a hearing. Examples include:

- Getting rid of a lien that has been placed on your home by a judgment creditor.
- Requests for court actions by creditors (motions).
- Requests by you to reopen your case for some reason.
- Converting your case to a Chapter 13 bankruptcy.
- Cases requiring a means test (See below for more information).

Affordable Attorney Advice is only intended to assist with simple Chapter 7 cases that don't include such extra procedures. The attorney will not coach you through these procedures. Also, the attorney will only respond to questions; she will not review any of your bankruptcy or financial paperwork.

### The Means Test - Do I Qualify for Affordable Attorney Advice Services?

If your income does not fit within the guidelines listed below you will need to take a means test, available at [www.legalconsumer.com](http://www.legalconsumer.com). The means test will help you determine whether you qualify for Chapter 7 or whether you would be required to file under Chapter 13. **We do not handle means test cases.** If for some reason, you apply for our services and your income requires the means test we will refund all but \$75 of your fee. We will keep \$75 to cover our administrative handling expenses.

To determine whether or not you need to take the means test, compute your household's average gross monthly income (from all sources) for the past six calendar months. Multiply that figure by two. Generally, a household consists of one or more persons who share income and expenses and live under the same roof. You have to take the means test if your income exceeds the figures in the following chart:

- **One person household: \$48,415**
- **Two person household: \$63,030**
- **Three person household: \$67,401**
- **Four person household: \$75,656**
- **Plus \$8,100 for each additional member of the house.**

### **What Is Your Role as a Self-Represented Bankruptcy Filer?**

Because of rules governing the practice of law, the only legal alternative to attorney representation is self-representation. As a self-represented filer, you are responsible for your own case. This means that you'll have to:

- Abide by the bankruptcy court's rules,
- Cooperate fully with the bankruptcy trustee (the official who is in charge of your case), and
- Provide your petition preparer with complete and truthful information about all of your debts, property and economic transactions over the previous year or two.

### **Can you Leave any Debts or Property out of your Bankruptcy Petition?**

Leaving debts or property out of your bankruptcy petition **is not an option**. All debts and property must be disclosed. Bankruptcy law will then determine what happens to them. For instance; even though you have to list your car, you usually will be able to keep it as long as you take certain actions. The same is true for your house. Even debts that you can't discharge, such as recent taxes or child support must be listed on the appropriate schedules.

### **How Will You Know What Debts to Put in What Schedules?**

There are three categories of debt: secured debt, unsecured debt and priority unsecured debt. Secured debts are debts secured by collateral, as with a mortgage or car note. Those creditors must be listed on Schedule D. Unsecured debts are debts that don't involve collateral, such as credit cards, judgments, and medical debts. These debts are listed on Schedule F. Priority unsecured debts are taxes first due within the previous three years, back child support or spousal support/alimony (in addition to a few other categories such as student loans). These debts are listed on Schedule E.

### **How Do You Sign Up with Affordable Attorney Advice?**

You complete and mail the following documents and payment to our office:

- The debt-relief agency contract,
- A completed customer worksheet, and
- A cashier's check or money order for \$150 payable to:
- Affordable Attorney Advice or Mary Heare Amodio

### **Are The Fees Refundable?**

Generally, the \$150 fee is non-refundable. However, if it appears early in the process that you are not eligible for our service, we will consider a partial refund of the fee. In all cases, a minimum of \$50 will be retained to cover the administrative expense associated with each case.

### **What Turn Around Time Should You Expect?**

Upon receipt of your contract, worksheet and payment, the Affordable Attorney Advice office manager will call you to go over your worksheet and schedule an appointment for your telephone interview with the attorney. You should expect to talk with the attorney within a week to ten (10) days after we receive your payment and paperwork. On occasion it may take a somewhat longer time, up to two weeks, for you to meet with the attorney by phone.

### **What If You Have An Emergency?**

If you are facing eminent foreclosure, car repossession or wage garnishment, tell your bankruptcy petition preparer and they will notify us separately. An additional \$50 fee is required for our assistance with an emergency filing. When notified by BPP of the emergency filing we will endeavor to respond as quickly as possible. (The office manager and BPP will discuss and agree upon the transmission of the fee and paperwork.) If you have been sued by a creditor, your request will not qualify as an emergency.

### **What Should You Do About Creditors Who Are Calling You?**

Once they learn that you have filed your bankruptcy, creditors and collection agencies will stop calling you. In the meantime, to stop your creditors from calling you, tell them the following: "I hereby demand that you stop calling me under authority of the California Civil Code Section 1788.10-.18 and the Fair Debt Collection Practices Act, Title 15 United States Code, Section 1692c." Immediately hang up after telling them that. If necessary follow this up with a letter to the same effect. You can use this same approach if they are calling your place of employment (i.e., "I hereby also demand that you cease calling my place of employment on the ground my employer does not allow it.")

### **What Should You Say When Asked to Identify Your Attorney?**

The AAA attorney's only role is to provide you with advice in regard to your bankruptcy filing. For all other purposes **you are your own attorney** and should list yourself as the attorney in all aspects of your bankruptcy filing. The attorney at Affordable Attorney Advice will not accept calls from creditors.

### **Other Resources**

Be sure to look at the website for your bankruptcy court to get more information about "Filing without an Attorney".